

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #7	CCRB Case #: 201901983	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/27/2019 1:50 PM	Location of Incident: [REDACTED]	Precinct: 52	18 Mo. SOL 8/27/2020	EO SOL 4/13/2021	
Date/Time CV Reported Wed, 02/27/2019 3:14 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/05/2019 12:37 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT1 Freddy Suarez	05540	898598	D-E T/F

Officer(s)	Allegation	Investigator Recommendation
A.DT1 Freddy Suarez	Discourtesy: Detective Freddy Suarez spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.DT1 Freddy Suarez	Abuse: Detective Freddy Suarez stopped the vehicle in which § 87(2)(b) [REDACTED] was an occupant.	[REDACTED]
C.DT1 Freddy Suarez	Force: Detective Freddy Suarez pointed his gun at § 87(2)(b) [REDACTED]	[REDACTED]
D.DT1 Freddy Suarez	Force: Detective Freddy Suarez used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E.DT1 Freddy Suarez	Abuse: Detective Freddy Suarez damaged § 87(2)(b) [REDACTED]'s property.	[REDACTED]
F.DT1 Freddy Suarez	Discourtesy: Detective Freddy Suarez acted discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On February 27, 2019, § 87(2)(b) filed this complaint with IAB. On March 5, 2019, this complaint was received at the CCRB via referral number 19-8212.

On February 27, 2019, at approximately 1:50 p.m., § 87(2)(b) was driving at the intersection of Kingsbridge Road and Sedgewick Avenue in the Bronx. § 87(2)(b) and Det. Freddy Suarez of the Drug Enforcement Task Force had a traffic dispute. Det. Suarez allegedly told § 87(2)(b) “Get the fuck out of the right.” (**Allegation A: Discourtesy** - § 87(2)(g)) Det. Suarez pulled § 87(2)(b) over (**Allegation B: Abuse of Authority** - § 87(2)(g)). Det. Suarez pointed a gun at § 87(2)(b) (**Allegation C: Force** - § 87(2)(g)). Det. Suarez allegedly grabbed § 87(2)(b) by the collar (**Allegation D: Force** - § 87(2)(g)). Det. Suarez allegedly repeatedly cursed at § 87(2)(b) calling him a “motherfucker” and using the word, “motherfucking.” (**Allegation A: Discourtesy** - § 87(2)(g)). Det. Suarez obtained § 87(2)(b)'s driver's license and allegedly crushed the driver's license in his hand, damaging it, (**Allegation E: Abuse of Authority** - § 87(2)(g)). Det. Suarez allegedly threw the driver's license into § 87(2)(b)'s car before driving away (**Allegation F: Discourtesy** - § 87(2)(g)). § 87(2)(b) was not arrested or issued any summonses. § 87(4-b), § 87(2)(g)

§ 87(2)(b) recorded short videos on his cell phone showing Det. Suarez's vehicle and its license plate.

Findings and Recommendations

Allegation (A) Discourtesy: Detective Freddy Suarez spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: Detective Freddy Suarez stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Force: Detective Freddy Suarez pointed his gun at § 87(2)(b)

Allegation (D) Force: Detective Freddy Suarez used physical force against § 87(2)(b)

§ 87(2)(b) stated that he was stuck in heavy traffic at the intersection of Kingsbridge Road and Sedgewick Avenue in the Bronx. He had driven across the intersection and his vehicle was stopped heading eastbound on the southeast corner of the intersection blocking a northeast-bound one-way onramp from Sedgewick Avenue to Kingsbridge Road. Det. Suarez, driving an unmarked Honda Accord, was driving west on Kingsbridge Road. § 87(2)(b) stated that Det. Suarez attempted to make a left turn to drive south on the onramp against oncoming traffic, but was blocked by § 87(2)(b)'s vehicle. § 87(2)(b) stated that he could not move his vehicle due to the traffic blocking him. There were other vehicles driving north on the onramp that would have blocked Det. Suarez's vehicle from driving in the opposite direction. § 87(2)(b) stated he lowered his window and asked Det. Suarez, “Where are you going?” Det. Suarez allegedly responded, “Get the fuck out of the right.” § 87(2)(b) stated he responded, “I’m not moving.”

Det. Suarez stated that he was conducting surveillance of an individual as part of a narcotics investigation. He was part of a three-vehicle surveillance team following the individual in a vehicle. The three surveillance vehicles alternated their positions in order not to raise any suspicions. When they approached the intersection of Kingsbridge Road and Sedgewick Avenue, Det. Suarez's vehicle was the last one of the three surveillance vehicles. All the vehicles in front of Det. Suarez made a left turn from westbound on Kingsbridge Road onto southbound on Sedgewick Avenue. These vehicles made their turns in front of § 87(2)(b)'s vehicle which was headed eastbound waiting to cross Sedgewick Avenue. As Det. Suarez attempted to make the left turn, § 87(2)(b) drove his vehicle forward, blocking the intersection and preventing Det. Suarez from completing the left turn. Det. Suarez disputes that he attempted to drive against oncoming traffic and claimed that § 87(2)(b) was blocking the middle of the intersection rather than blocking the onramp. Det. Suarez stated that his car window was close to § 87(2)(b)'s car window, and both windows were lowered. Det. Suarez told § 87(2)(b) "Go go go go." And § 87(2)(b) allegedly cursed at Det. Suarez in both English and Spanish, though Det. Suarez did not recall any specific statements. Det. Suarez told § 87(2)(b) again, "Go go go go." Det. Suarez claimed that there was nothing blocking § 87(2)(b) from proceeding through the intersection. § 87(2)(b) appeared upset that the vehicles before had made left turns in front of him even though § 87(2)(b) had the right-of-way. Det. Suarez claimed that § 87(2)(b) spat at him, and that saliva landed on him. Det. Suarez stated he was upset at being spat upon, but denied that he cursed at § 87(2)(b) at any point. He denied using the words "Fuck" or "Motherfucker" while speaking to § 87(2)(b).

Det. Suarez activated his police lights. § 87(2)(b) claimed that Det. Suarez told him, "Don't move motherfucker." Det. Suarez denies this. Det. Suarez drove in a circle behind § 87(2)(b)'s vehicle, making a U-turn and stopping his car on the southeast corner of the intersection.

§ 87(2)(b) stated that Det. Suarez exited his vehicle and § 87(2)(b) asked Det. Suarez what he wanted. Det. Suarez allegedly pulled out a black semiautomatic handgun from his waist. § 87(2)(b) stated he feared for his safety and exited his vehicle, ran to the back and opened the trunk to use as a shield by sticking his head under the trunk. § 87(2)(b) stated he did not know that Det. Suarez was a police officer.

Det. Suarez stated that as he was pulling over, § 87(2)(b) exited his vehicle first and opened his trunk. Det. Suarez stated he did not know what § 87(2)(b) was retrieving from the trunk and feared that he may have a weapon because § 87(2)(b) appeared angry and there did not appear to be any other reason to go to the trunk. Det. Suarez exited his vehicle with his shield displayed. Det. Suarez drew his black Glock 9mm semiautomatic handgun from his holster and pointed it in § 87(2)(b)'s direction. From Det. Suarez's vantage point, § 87(2)(b) was behind the trunk, partially blocked by the open trunk. Det. Suarez could partially see § 87(2)(b)'s torso and could see between the gap in the open trunk. However, Det. Suarez could not see § 87(2)(b)'s hands.

§ 87(2)(b) stated that Det. Suarez ran to him, grabbed him by the shirt collar and pointed the gun at § 87(2)(b)'s forehead. Det. Suarez allegedly yelled at him, "What the fuck are you doing? You know I'm a policeman. You should not cut me off. You gotta move away when you see the flashing lights. You fucking stupid motherfucker. You don't yell at me." § 87(2)(b)

replied, “I don’t care. You do what you gotta do.” Det. Suarez allegedly responded, “Go get the motherfucking... go give me your license and registration.” § 87(2)(b) walked back to the driver’s seat of his vehicle and gathered his license and registration. He claimed Det. Suarez stood at the open door and repeatedly yelled and called him a “motherfucker.”

Det. Suarez denies grabbing § 87(2)(b) by the collar and denies making any physical contact with § 87(2)(b). He denies pointing his gun at § 87(2)(b)’s forehead in the manner § 87(2)(b) described. Det. Suarez stated that § 87(2)(b) closed the trunk upon seeing Det. Suarez standing with his gun and shield and seeing his vehicle with flashing police lights. Upon seeing § 87(2)(b) close the trunk and that he had nothing in his hands, Det. Suarez holstered his gun. § 87(2)(b) told Det. Suarez that he didn’t know he was a cop. Det. Suarez denied cursing at § 87(2)(b) and asked for his license and registration, which § 87(2)(b) provided from his wallet.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (E) Abuse of Authority: Detective Freddy Suarez damaged § 87(2)(b)’s property.

Allegation (F) Discourtesy: Detective Freddy Suarez acted discourteously toward § 87(2)(b)
[REDACTED]

Det. Suarez returned to his vehicle with § 87(2)(b)'s license. § 87(2)(b) could not tell what Det. Suarez was doing inside his vehicle. § 87(2)(b) called 911 and reported that an individual pointed a gun at him. § 87(2)(b) stated he did not think Det. Suarez was a police officer. The call was reported as a 10-52 (dispute) with a gun (**BR 1**). § 87(2)(b) also recorded a short video clip using his cell phone, showing Det. Suarez's vehicle and its license plate (**BR 2**). Det. Suarez was not visible in the video. § 87(2)(b) ended the video before Det. Suarez exited the vehicle again.

Det. Suarez stated when he returned to his vehicle, he heard via point-to-point radio that the rest of his surveillance team were approximately ten blocks away. Det. Suarez decided it was not worth his time to engage with § 87(2)(b) further. Det. Suarez stated he did not check § 87(2)(b) for warrants. However, when presented with a warrant audit that showed that he checked § 87(2)(b) for warrants on his departmental cell phone, Det. Suarez conceded that he did and that he must have forgotten. Det. Suarez did have a departmental radio, but did not recall whether it was tuned to the local precinct frequency because he was driving through multiple precincts. Det. Suarez denied that he heard any radio run regarding a dispute with a gun at his location.

§ 87(2)(b) stated that as Det. Suarez returned to § 87(2)(b)'s vehicle, Det. Suarez appeared to be crushing § 87(2)(b)'s driver's license with his hand in a fist. Det. Suarez then allegedly threw the license into § 87(2)(b)'s passenger seat and walked away. § 87(2)(b) then found that his driver's license had a crack running partially through it, which is shown in a photograph taken during his CCRB statement (**BR 3**). § 87(2)(b) then recorded a second video showing Det. Suarez's vehicle driving away. Det. Suarez is not visible in the video due to the heavy tinted windows.

Det. Suarez denied crushing § 87(2)(b)'s driver's license and denied damaging the driver's license. Det. Suarez was shown a photograph of § 87(2)(b)'s damaged driver's license and denied seeing the driver's license in that condition. Det. Suarez denied throwing the license into § 87(2)(b)'s car. Det. Suarez stated he returned the driver's license to § 87(2)(b)'s hands and told him that he shouldn't spit at people. § 87(2)(b) said something back to Det. Suarez he did not recall, and Det. Suarez drove away in his vehicle. Det. Suarez stated that his interaction with § 87(2)(b) did not affect his surveillance of the target individual that day.

Uniformed police officers then responded to the 911 call and spoke to § 87(2)(b). These officers then reported the incident to IAB as a possible police impersonation complaint.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
- Detective Freddy Suarez has been a member-of-service for 28 years and has been a subject in two other complaints and two allegations, neither of which were substantiated.
§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
 - As of May 9, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**BR 7**)
 - According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (**BR 8**).
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Squad No.: 7

Investigator: _____

Signature _____

SI Simon Wang _____

Print Title & Name _____

Date _____

Squad Leader: _____

Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____